



**VETO MESSAGE:** Yes

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

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LAW/KR

P.L.2013, CHAPTER 151, *approved August 28, 2013*

Assembly, No. 718 (*First Reprint*)

1 AN ACT concerning eligibility for enrollment in public schools and  
2 supplementing chapter 38 of Title 18A of the New Jersey  
3 Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. The Department of Education shall biannually <sup>1</sup>**【**distribute a  
9 letter**】** issue notice<sup>1</sup> to each school district reminding the district of  
10 the obligation to enroll resident students <sup>1</sup>**【**regardless of  
11 immigration status and**】**<sup>1</sup> in accordance with <sup>1</sup>**【**the**】** all applicable  
12 statutes and applicable<sup>1</sup> rules and regulations of the State Board of  
13 Education. The <sup>1</sup>**【**letter**】** notice<sup>1</sup> shall be <sup>1</sup>**【**distributed**】** issued<sup>1</sup> by  
14 August 1 and December 30 of each school year and shall include  
15 information on the documentation that may be requested pursuant to  
16 State board regulations to demonstrate a student's eligibility for  
17 enrollment in the district.

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19 2. This act shall take effect <sup>1</sup>**【**immediately**】** on the 60th day  
20 following enactment<sup>1</sup>.

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26 Requires Department of Education to biannually distribute a  
27 letter to school districts reminding districts of requirement to enroll  
resident students regardless of immigration status.

EXPLANATION – Matter enclosed in bold-faced brackets **【 thus 】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly amendments adopted in accordance with Governor's recommendations January 28, 2013.

**ASSEMBLY, No. 718**

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**STATE OF NEW JERSEY**

**215th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Assemblyman RUBEN J. RAMOS, JR.**

**District 33 (Hudson)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**SYNOPSIS**

Requires Department of Education to biannually distribute a letter to school districts reminding districts of requirement to enroll resident students regardless of immigration status.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning eligibility for enrollment in public schools and  
2 supplementing chapter 38 of Title 18A of the New Jersey  
3 Statutes.

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6 of New Jersey:

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8 1. The Department of Education shall biannually distribute a  
9 letter to each school district reminding the district of the obligation  
10 to enroll resident students regardless of immigration status and in  
11 accordance with the rules and regulations of the State Board of  
12 Education. The letter shall be distributed by August 1 and  
13 December 30 of each school year and shall include information on  
14 the documentation that may be requested pursuant to State board  
15 regulations to demonstrate a student's eligibility for enrollment in  
16 the district.

17  
18 2. This act shall take effect immediately.

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20

21 STATEMENT

22

23 Under Plyler v. Doe, 457 U.S. 202 (1982), the United States  
24 Supreme Court held that undocumented children living in the  
25 United States could not be excluded from public elementary and  
26 secondary schools based upon their immigration status and that  
27 these children were entitled to a free appropriate public education.  
28 State Board of Education regulations at N.J.A.C.6A:22-3.3(b)  
29 implement this federal requirement and provide that a child's  
30 immigration status does not affect his eligibility to attend public  
31 school, and he must be enrolled without regard to, or inquiry  
32 concerning, immigration status.

33 This bill requires the Department of Education to biannually  
34 distribute a letter to each school district reminding the district of the  
35 obligation to enroll resident students regardless of immigration  
36 status and in accordance with the rules and regulations of the State  
37 Board of Education. Under the bill, the letter must be distributed by  
38 August 1 and December 30 of each school year and must include  
39 information on the documentation that may be requested pursuant to  
40 State board regulations to demonstrate a student's eligibility for  
41 enrollment in the district.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 718**

**STATE OF NEW JERSEY**

DATED: JUNE 14, 2012

The Assembly Education Committee reports favorably Assembly Bill No. 718.

This bill requires the Department of Education to biannually distribute a letter to each school district reminding the district of the obligation to enroll resident students regardless of immigration status and in accordance with the rules and regulations of the State Board of Education. Under the bill, the letter must be distributed by August 1 and December 30 of each school year and must include information on the documentation that may be requested pursuant to State board regulations to demonstrate a student's eligibility for enrollment in the district.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE EDUCATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 718**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 24, 2012

The Senate Education Committee favorably reports Assembly Bill No. 718.

This bill requires the Department of Education to biannually distribute a letter to each school district reminding the district of the obligation to enroll resident students regardless of immigration status and in accordance with the rules and regulations of the State Board of Education. Under the bill, the letter must be distributed by August 1 and December 30 of each school year and must include information on the documentation that may be requested pursuant to State board regulations to demonstrate a student's eligibility for enrollment in the district.

As reported by the committee, this bill is identical to Senate Bill No. 2123, which also was reported by the committee on this same date.

**ASSEMBLY BILL NO. 718**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 718 with my recommendations for reconsideration.

Thirty years ago, the United States Supreme Court held that students should be afforded access to a free public education, regardless of their immigration status. New Jersey implemented regulations that matched that ruling, and they remain the law of the State today. This bill would require the Department of Education to biannually distribute a letter to each school district reminding the district of this law, and providing information on documentation that may be requested to demonstrate a student's eligibility for enrollment.

While I commend the sponsors' intent to remind school districts of the obligation to enroll resident students regardless of immigration status, I believe the bill does not go far enough to ensure compliance with our laws on student eligibility standards. For instance, New Jersey also recognizes and protects the important rights of children to attend school regardless of race, creed, color, ancestry, or disability, among other factors. School districts are also obligated to follow other standards, such as domicile requirements. Rather than narrowly focus on one factor, the Department of Education should instead be required to emphasize all student eligibility criteria. This minor but important recommendation will ensure that school districts are adequately reminded of their existing obligations to our children, and serve as an appropriate supplement to our commitment to the education and improvement of all students.



Accordingly, I herewith return Assembly Bill No. 718 and recommend that it be amended as follows:

- Page 2, Section 1, Lines 8-9: Delete "distribute a letter" and insert "issue notice"
- Page 2, Section 1, Line 10: Delete "regardless of immigration status and"
- Page 2, Section 1, Line 11: Delete "the" and insert "all applicable statutes and applicable"
- Page 2, Section 1, Line 12: Delete "letter" and insert "notice"
- Page 2, Section 1, Line 12: Delete "distributed" and insert "issued"
- Page 2, Section 2, Line 15: Delete "immediately" and insert "on the 60<sup>th</sup> day following enactment"

Respectfully,

/s/ Chris Christie

Governor

[seal]

Attest:

/s/ Charles B. McKenna

Chief Counsel to the Governor

**SENATE, No. 2123**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

INTRODUCED JUNE 28, 2012

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Co-Sponsored by:**

**Senators Cunningham, Pou and Stack**

**SYNOPSIS**

Requires Department of Education to biannually distribute a letter to school districts reminding districts of requirement to enroll resident students regardless of immigration status.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/26/2012)**

S2123 RUIZ

2

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2 supplementing chapter 38 of Title 18A of the New Jersey  
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40 State board regulations to demonstrate a student's eligibility for  
41 enrollment in the district.

SENATE EDUCATION COMMITTEE

STATEMENT TO

**SENATE, No. 2123**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 24, 2012

The Senate Education Committee favorably reports Senate Bill No. 2123.

This bill requires the Department of Education to biannually distribute a letter to each school district reminding the district of the obligation to enroll resident students regardless of immigration status and in accordance with the rules and regulations of the State Board of Education. Under the bill, the letter must be distributed by August 1 and December 30 of each school year and must include information on the documentation that may be requested pursuant to State board regulations to demonstrate a student's eligibility for enrollment in the district.

As reported by the committee, this bill is identical to Assembly Bill No. 718, which also was reported by the committee on this same date.